

EXHIBIT B
Declaration of Jose Leano

4. On May 30, 2008, I conducted an experiment to determine how far the rear of a 2005 Nissan

1 Pathfinder goes down when loaded with between 600 and 875 pounds in the rear cargo compartment.

2 5. The vehicle I used was a 2005 Nissan Pathfinder SE Offroad Four-wheel-drive.

3 6. The vehicle I viewed in the above-captioned case was a 2005 Nissan Pathfinder SE Four-
4 wheel-drive.

5 7. Based upon my review of the available materials, it appears that the vehicle in the above-
6 captioned case has a higher payload than the test vehicle.

7 8. This indicates to me that the height differential in the rear of the vehicle in the above
8 captioned-case would, if any different, be less than the height differential in the test vehicle.

9 9. I placed the individuals in the cargo area of the test vehicle based upon my viewing of the
10 vehicle in the above-captioned case.

11 10. I placed them in a manner consistent with the apparent location of the individuals in the back
12 of the vehicle in the above-captioned case.

13 11. To determine the height differential, I measured the distance from the ground to the highest
14 point in the arc of the rear, left wheel well.

15 12. I did this before the vehicle was loaded and after the vehicle was loaded.

16 13. With a driver in the front seat weighing 141 pounds and an empty cargo area, the distance
17 from the ground to the highest point in the arc was 2 feet and 10 and 3/8 inches.

18 14. With five individuals in the rear cargo area, and one individual in the driver seat weighing
19 144 pounds, the distance from the ground to the highest point in the arc was 2 feet and 8 and 3/8 inches.

20 15. I weighed those five individuals and determined their total weight to be 876 pounds.

21 16. The difference between the "loaded" vehicle and the "unloaded" vehicle was **2 inches**.

22 17. I took every effort to conduct this experiment in a manner that can be repeated at will. I
23 photographed, weighed and recorded all of the weights of the occupants. Additionally, I took photographs
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1 photographed, weighed and recorded all of the weights of the occupants. Additionally, I took photographs
2 of my measurements.

3 18. I believe that any similar experiment on a 2005 Nissan Pathfinder will have roughly the same
4 results.
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6 I so declare this 20 day of June, 2008, in San Diego, California.

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JOSE G. LEANO, Declarant
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